



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 338

PRINTERS NO.293

PRIME SPONSOR: Killion

### COST / (SAVINGS)

FUND	FY 2010/11	FY 2011/12
General Fund	\$0	\$647,200

**SUMMARY:** Amends Chapter 63 (the Child Protective Services Law) of Title 23 (Domestic Relations) providing for penalties for false reporting of suspected child abuse and for expedited hearings. Effective date is in 60 days.

**ANALYSIS:** This legislation adds the following definitions: 'detention facility', 'detention facility employee', 'private residential rehabilitative institution', 'private residential rehabilitative institution employee; and 'school'; references are made to these employees in the provisions of the legislation. The legislation provides that any person who intentionally makes a false report of suspected child abuse commits a misdemeanor of the 3<sup>rd</sup> degree; that the department's statewide central register of child abuse contain two subfiles (the names of perpetrators of indicated/ founded reports of child abuse and the names of person who made an intentionally false report of suspected child abuse); that any person/ employee named as a perpetrator in an indicated report has the right to an initial hearing before the secretary (or designee) and a ruling within 45 days of the date the appeal was received by the secretary; that if a ruling is not issued within 45 days, the report would be marked unfounded and expunged; that if evidence at the hearing is insufficient, the report would be marked unfounded and expunged; if the evidence is found sufficient, a full hearing will be scheduled with possible restrictions imposed on an employee, if based on evidence presented, is found to present a danger to the subject child/ minors under his or her care and that the department of county agency bears the burden of proof at any hearing.

**FISCAL IMPACT:** Enactment of this legislation would result in additional \$647,200 cost to the department in order to comply with the expedited hearing time schedule provided for in the legislation and for the new subfiles to be created in the register. According to the department, there would be a one-time cost associated with the ChildLine systems changes required to create the two subfiles; an estimated \$167,200 for 1,520 hours to make the changes. Additionally, there is a backlog of cases under appeal; the provisions of this legislation to expedite and expunge would result in an estimated \$480,000 in additional cost. This estimate assumes 1,000 appeals annually with 15% false reported (150) at a cost of \$3,200 per case for the appeals process.

**PREPARED BY:** Kathy Vranicar  
House Appropriations Committee (R)

**DATE:** June 21, 2011

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*